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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,503	11/20/2001	Scott B. Heintzeman	8477.99USC2	9964

7590 07/19/2007  
Attn: Alan G. Gorman  
MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903

EXAMINER
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LAstra, DANIEL

ART UNIT	PAPER NUMBER
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3622

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/991,503

Applicant(s)

HEINTZEMAN ET AL.

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 41-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 41-63 have been examined. Application 09/991,503 (Computerized apparatus and method for awarding credits to persons for travel related purchases) with a filing date 11/20/01 is a continuation of 09/598,586, which is continuation of 08/892,563 (Pat. 6,631,355), which is a continuation 08/439,626, which is a continuation of 08/385,381 (Pat. 5,483,444), which is a continuation of 08/143,453 (10/26/1993).

### *Response to Amendment*

2. In response to Notice to the applicant regarding a Non-Compliant Amendment filed 03/21/2007, the Applicant filed a Request for Reconsideration on 04/17/2007.

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 41-53, 55-58 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al (U.S. 5,331,546) and further in view of the article Which Frequent-Flier Program? (Airlines promise free travel, but their delivery record has been spotty. We identify the better programs.) Consumer Reports Travel Letter: vol6, no. 10, pp 112-116, October 1990. (Dialog file 646; #00500249).

As per claim 41, Webber teaches:

A computerized incentive system for awarding credits to persons who book travel-related reservations, the system comprising:

- (a) a computerized reservation system connected to a network;
- (b) an interface device connected to the network and configured so that a user of the interface device has access to the computerized reservation system (see column 4, lines 5-25);
- (c) a reservation facility computer system connected to the network and thereby accessible to the user accessing the computerized reservation system, the reservation facility computer system configured so that the user may book a travel-related reservation (see column 6, line 65 – column 7, line 3; column 16, line 42 – column 17, line 5)
- (d) a conversion system connected to the network, wherein the conversion system receives an availability format and then converts the travel-related reservation contained within the availability format into a standard format (see figure 1, item 26; see column 5, lines 35-45; figure 2, item 34; column 16, lines 41-60);

Webber fails to teach:

- (e) an award system connected to the network, the award system being configured to receive data concerning the travel-related reservation, wherein the award system assigns credits to a person for whom the travel-related reservation has been booked upon verification that an event relating to the travel-related reservation has occurred. However, Which Frequent-Flier Program discloses about frequent-flier programs where people can earn credits only for miles actually flown (see paragraph

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16) Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the Webber's system would use the travelers' frequent flier numbers (see Webber column 17, lines 15-20; figure 8B, item 326) to provide said travelers with offers or awards from different service providers which have frequent fliers programs, as taught by the Frequent-Flier program and would verify if a person actually fulfill a travel reservation in order to give said person credit for actually flown miles.

As per claim 42, Webber teaches:

The award system of claim 41 wherein the data concerning the travel related reservation includes a code identifying the person for whom the travel related reservation is booked (see column 4, lines 9-25; column 6, lines 1-5).

As per claim 43, Webber teaches:

The award system of claim 41 but fails to teach further configured to determine the total credits previously awarded to the person for whom the travel-related reservation is booked and add the credits assigned to the credits previously awarded thereby creating a cumulative credit total that is stored in the award system. However, the article Which Frequent-Flier Program teaches a frequent-flier award system that keeps a running account of the miles earn (see paragraph 11). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles flown or purchases made

through partners airlines, car-rental companies, hotel chains, and credit-cards. The earn credits would be accumulated in an account for the purpose of redeeming them for awards.

As per claim 44, Webber teaches:

The award system of claim 41 but fails to teach wherein the event occurrence to be verified is the fulfillment of the travel-related reservation. However, the same rejection applied to claim 41 regarding this missing limitation is also made in claim 44.

As per claim 45, Webber teaches:

The award system of claim 44 but fails to teach wherein the fulfillment of the travel-related reservation is accomplished by a stay in and check-out of the facility for which the travel-related reservation had been booked. However, Which Frequent-Flier Program discloses about frequent-flier programs where hotels give credit per stay or per night (see paragraph 18) Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the Webber's system would use the travelers' frequent flier numbers (see Webber column 17, lines 15-20; figure 8B, item 326) to provide said travelers with offers or awards from different service providers which have frequent fliers programs, as taught by the Frequent-Flier program and would verify if a person actually stay in a hotel and for how many nights in order to calculate a per stay credit.

As per claim 46, Webber teaches:

The award system of claim 45 wherein the fulfillment of the reservation is performed by the person for whom the travel-related reservation has been booked (see column 4, lines 9-25).

As per claim 47, Webber teaches:

A computer implemented method of awarding credits to persons who book travel-related reservations, the method comprising:

(a) transmitting travel-related reservation information from a user via an interface device connected to a network to a computerized reservation system connected to the network (see column 4, lines 9-25);

(b) converting the travel-related reservation information into a format acceptable by a selected reservation facility computer system (see column 16, lines 41-60);

(c) communicating the travel-related reservation information to a reservation facility computer system connected to the network (see column 4, lines 9-25).

Webber fails to teach:

(d) communicating the travel-related reservation information to an awards system, wherein the awards system processes the travel-related reservation information and awards credits to persons for whom the travel-related reservation have been booked upon the awards system verifying that an event relating to the travel-related reservation booked has occurred. However, Which Frequent-Flier Program discloses about frequent-flier programs where people can earn credits only for miles actually flown (see paragraph 16). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the Webber's system

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would use the travelers' frequent flier numbers (see Webber column 17, lines 15-20; figure 8B, item 326) to provide said travelers with offers or awards from different service providers which have frequent fliers programs, as taught by the Frequent-Flier program and would verify if a person actually fulfill a travel reservation in order to give said person credit for actually flown miles.

As per claim 48, Webber teaches:

The computer implemented method of claim 47 but fails to teach wherein the act of processing the travel related reservation information includes processing of data representing the revenue generated from the travel-related reservation and calculating credits to be awarded based on the revenue generated from the travel-related reservation. However, the article Which Frequent-Flier Program discloses about frequent-flier programs where people earn credits in various ways, such as flying, staying at hotels, renting cars and use it for variety of awards (see paragraphs 5, 6, 9, 11, 17 and 47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles flown or purchases made through partners airlines, car-rental companies, hotel chains, and credit-cards. The awarding of credits for travel-related purchases would help customers lower their travel-related expenses.

As per claim 49, Webber fails to teach:



The computer implemented method of claim 47 wherein the act of processing the travel-related reservation information includes determining the type and length of the travel related reservation and assigning a predetermined number of credits based on the type and length of the travel-related reservation. However, the article Which Frequent-Flier teaches a system that assigns a predetermined number of credits based on the type and length miles flown or Hotel stay (see paragraphs 9 and 18). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that a costumer would use the Webber computerized system to book travel-related reservations and would use the Frequent-Flier program taught by the above article, to earn credits or Frequent-Flier points for miles flown or purchases made through partners airlines, car-rental companies, hotel chains, and credit-cards. The awarding of credits for travel-related purchases would help customers lower their travel expenses.

As per claim 50, Webber teaches:

The computer implemented method of claim 47 wherein the data concerning the travel-related reservation includes a code identifying the person for whom the travel related reservation is booked (see column 4, lines 5-25).

As per claim 51, Webber fails to teach:

The computer implemented method of claim 47 wherein the event occurrence to be verified is the fulfillment of the travel-related reservation. However, the same rejection made in claim 47 regarding this missing limitation is also made in claim 51.

As per claim 52, Webber fails to teach:

The computer implemented method of claim 51 wherein the fulfillment of the travel-related reservation is accomplished by a completed stay in a hotel room by the person for whom the travel-related reservation has been made. However, the same rejection made in claim 47 regarding this missing limitation is also made in claim 52.

As per claim 53, Webber teaches:

A computer implemented method of awarding credits to persons completing travel-related purchases, the method comprising:

(a) transmitting a purchaser identification code and travel-related purchase information via an interface system configured to covert the travel-related purchase information into a reservation system format of a selected reservation system, said interface system connected to a network to an award system connected to the network upon the completion of a travel related purchase (see column 4, lines 9-25);

Webber fails to teach:

(b) processing of the travel-related purchase information by the award system to verify that the travel-related purchase is complete and calculate the credits to be assigned to the person completing the travel-related purchase; and

(c) assigning the calculated credits to the person completing the travel-related purchase, wherein the credits assigned may be exchanged for an award.

However, Which Frequent-Flier Program discloses about frequent-flier programs where people can earn credits only for miles actually flown (see paragraph 16) a and where members that fly a minimum number of actual miles become eligible for free upgrades (see paragraph 24). Therefore, it would have been obvious to a person of

ordinary skill in the art at the time the application was made, to know that the Webber's system would use the travelers' frequent flier numbers (see Webber column 17, lines 15-20; figure 8B, item 326) to provide said travelers with credit from different service providers which have frequent fliers programs, wherein the credits assigned may be exchanged for an award, such as a free upgrades, as taught by the Frequent-Flier program in order to give said travelers a motivation to participate in said frequent fliers programs.

As per claim 55, the computer implemented method of claim 53, contains the same limitation as claim 48 therefore the same rejection is applied.

As per claim 56, the computer implemented method of claim 53, contains the same limitation as claim 49 therefore the same rejection is applied.

As per claim 57, the computer implemented method of claim 53, contains the same limitations as claim 45 therefore the same rejection is applied.

As per claim 58, the computer implemented method of claim 53, contains the same limitations as claim 46 therefore the same rejection is applied.

Claim 62 contains the same limitations as claims 41 and 44 therefore the same rejection is applied.

4. Claims 59-61 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al (U.S. 5,331,546) and further in view of the article Which Frequent-Flier Program? (Airlines promise free travel, but their delivery record has been spotty. We identify the better programs.) Consumer Reports Travel Letter: vol6, no. 10, pp 112-

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116, October 1990. (Dialog file 646; #00500249) in view of AMRE INC (Dialog file 542:0007714).

As per claim 59, Webber teaches:

A computerized incentive system for awarding credits to persons who book travel-related reservations, the system comprising:

(a) an interface system connected to the network (see column 4, lines 9-25) wherein said interface system is configured to convert reservation information into a reservation facility data format of a designated reservation facility (see column 16, lines 42-55);

(b) a reservation facility computer system connected to the network and configured so that a user of the interface device may access the reservation facility computer system to book a travel-related reservation (see column 4, lines 9-25).

Webber fails to teach:

(c) an award system connected to the network, the award system being configured to receive data concerning the travel-related reservation, wherein the award system assigns credits to a person for whom the travel-related reservation has been booked, the award system being further configured to verify fulfillment of the travel-related reservation and decrement credits previously assigned to the person for travel-related reservations that are not fulfilled. However, Which Frequent-Flier Program discloses about frequent-flier programs where people can earn credits only for miles actually flown (see paragraph 16). AMRE INC teaches that it is old and well known in the promotion art to deduct the corresponding credit issued due to a result sale of a

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product, If said product is later returned by a customer (see paragraphs 1-8). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the Webber's system would use the travelers' frequent flier numbers (see Webber column 17, lines 15-20; figure 8B, item 326) to provide said travelers with offers or awards from different service providers which have frequent fliers programs, as taught by the Frequent-Flier program and would decrement a credit previously given to a person for a travel reservation not fulfilled, as it is old and well known deduct the corresponding credit issued due to a result sale of a product, If said product is later returned by a customer, as taught by AMRE INC.

As per claim 60, Webber teaches:

The computerized incentive system of claim 59 including a computerized reservation system connected to a network for communicating travel related reservations to the reservation facility computer system (see column 4, lines 9-25).

As per claim 61, the award system of claim 59 contains the same limitation as claim 59 therefore the same rejection is applied.

Claim 63 contains the same limitation as claim 59 therefore the same rejection is applied.

5. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al (U.S. 5,331,546) in view of the article Which Frequent-Flier Program and further in view of Goheen (U.S. 6,094,640)

As per claim 54, Webber fails to teach:

The computer implemented method of claim 53 wherein the interface device is connected to the network via a wireless connection. However, Goheen teaches about a mobile airline communication system that provides validation of a travel reservation and payment to an airline employee (see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Webber would give users access to the reservation system via wireless connection, as taught by Goheen. This feature would permit a user to check the status of his or her travel reservation no matter where he or she may be located.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 41-63 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra

June 27, 2007

  
RETTA YEHDEGA  
PRIMARY EXAMINER